REMARKS/ARGUMENTS

The Examiner is thanked for the courtesy of the personal and telephone interview of October 22, 2008. Participants on behalf of the Applicant were agent C. Bart Sullivan, in person, and by telephone inventor David DiFrancesco and attorney Kenneth Allen. The Applicant notes that the Examiner agreed that the Applicant has clarified and resolved the distinction between the prior art of record and the claimed invention.

Claims 1-35 have been subject of a first office action. In response, claims 1, 4, 6, 8, 9, 10, 12, 15, 16, 18 and 23 have been amended, and claims 19-22 and 24-31 have been canceled without prejudice to further prosecution. Claim 36 has been added. Claims 1-18, 23 and 36 are now pending.

Currently pending claims 1, 2, 12 and 13 stand rejected under 35 USC §102(b) over Ramsay et al. (US Patent No.4,757,374). The Applicant respectfully traverses this rejection, noting amendments to claims 1 and 12 that clarify the inventive distinctions.

By way of background, this invention contributes commercially valuable new processes for producing movie film from digital, computer-generated source material. It overcomes some of the significant problems associated with film production from digital sources. By contrast, the cited art is unrelated to this problem.

Referring to Ramsay, its intent is to provide a device for a still-diapositive-slide-to-video (tape or film) copy service. There is nothing to suggest the transfer of digital source material comprising component color images displayed on a flat panel display device onto movie film. More specifically, there is nothing suggesting the combination of elements employing individual color component images, namely images that may be monochromatic in nature. Thus, there is no opportunity for manipulation or enhancement of the image at a component level, which the present invention enables. This invention has substantial commercial value in the context of movie making, where several generations of intermediate media may be required to yield a release print for use in movie theaters. A typical release print production cycle may cost a half million dollars. Using the present invention, that cost can be reduced substantially.

Referring now to the outstanding office action, the Examiner has cited Ramsay column 6, lines 60-61, reciting an image recorder module 32 on rods 27, and column 8 lines 9-10 reciting a film recorder as evidence of the prior art of the movie film recorder. The Examiner has cited column 3, line 67 through column 4 line 4 reciting a light dispersing milkglass plate as the "flat panel display" for displaying at least one color component image. To make it clear that there is nothing in common between the claimed invention and that so-called flat panel display, claims 1 and 12 have now been amended to recite that the flat panel display, which refers to a particular type of computer display element and not merely to anything that is flat on which an image could be viewed, is driven directly from a computer. Since, the flat panel display is a specific type of element, it has inherent characteristics not known or contemplated by the Ramsay prior art, and yet it establishes grounds for a reasonable limitation on the claimed invention. Therefore the present invention is not in any way to be confused with a diapositive slide image projection with all of its optical and illumination aberrations.

The Examiner has cited Ramsay column 3, lines 1-31 for disclosing an alignment mechanism, referring to a pair of rollaway carts on adjustable legs and connected by rods coupled by slide sleeves as representative of an optical alignment unit. This citation does not suggest the sort of accurate alignment contemplated by the present invention. To make the distinction clear, claim 1 has been amended to recite that the alignment unit is of the type that provides that "registration of each color component of each pixel is positionally repeatable." Such accuracy is not contemplated in the Ramsay disclosure or any secondary reference.

Regarding to claim 2 and claim 13, the Ramsay reference is likewise deficient for the foregoing reasons and because the illumination source herein contemplated is in addition to that provided as part of the flat panel display and is of a specific sort not disclosed or suggested by the Ramsay reference. There is no DLP source, no LED source and no strobe source. The cited passages in Ramsay either make no mention of light source (column 4, lines 62-67) or merely reference it in passing as being of a "suitable" type (column 7, lines 53-57).

For these reasons at least, the Applicant submits that the Ramsay reference fails to anticipate the claimed invention.

Claims 3-11, 14-23 stand rejected under 35 USC §103(a) over the combination of Ramsay in view of published application 2002/0163676 to Jones et al. of Eastman Kodak and further in view of purported well-known knowledge. Jones has been cited for teaching hex chromatic color space. Ramsay has been cited for an external illumination source. The Applicant respectfully traverses this rejection. The citation of Ramsay is deficient for the reasons already stated. The citation of Jones is inadequate to determine what kinds of processing occurs with respect to its film recorder 38, as no details are disclosed. This could be a so-called digital direct to film, pixel-by-pixel scanned beam to film emulsion process that is not related to the present invention, and there is certainly nothing that suggests it could be combined with Ramsay.

As per claims 4 and 8, contrary to the Examiner's contention, Ramsay clearly does not teach a plurality of flat panel displays, as herein defined, for any purpose, and the flat panel display of Jones at its paragraphs [0032] and [0033] does not suggest the presentation of the image components for display on multiple flat panel display devices from which the image components can be registered onto film. It appears that the flat panel displays mentioned therein are for manual observation only, and the mention of a plurality of flat panel displays referred to therein is merely a reference to different types of displays that could be used interchangeably for manual observation: They are manifestly not used in the processing of the images to film emulsion.

Claims 5, 9, 15 and 18 stand rejected based on a citation to Ramsay column 6, lines 60-61 and column 8 lines 9-10. The Applicant submits that the Ramsay citation sheds little light on the limitations recited in claim 5 in view of its lack of any association with an image derived from a plurality of flat panel displays: There is no composite image produced in a Ramsay device. It is a single image, derived from a single source without any contemplation of component-based processing.

Respecting claims 6 and 7 as well as 9, 10 and 16, there is nothing in Jones paragraphs [0032] or [0033] that mentions generation of monochromatic components that are displayed.

Regarding claim 14, contrary to the Examiner's view, Ramsay does not show or teach a plurality of digital light projectors for external illumination. It employs an analog light projector, and even then, only one such illumination source. Moreover, it is only for primary illumination of a total image. There is no contemplation of external illumination associated with a selected component image, such that it can be employed for image enhancement on a component by component basis. The Jones reference is again deficient for the reasons previously stated.

Claim 23 has been rejected based on citation to sections of Ramsay having nothing to do with the production of release prints from the film media. Claim 23 is outside of any of the teachings of Ramsay. Claim 36 has been added, dependent on claim 23, reciting elements as found in paragraph [0137] of the present specification. As will be recognized, the process recited in claim 36 relates to the advantages of the present invention in producing superior release prints.

CONCLUSION

In view of the foregoing, the Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a further telephone conference would expedite prosecution of this application, the Examiner is invited to call the undersigned at (650) 326-2400.

Respectfully submitted,

Kenneth R. Allen

Kenneth R. Allen
Reg. No. 27,301

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
KRA:deh
61450073 v1